

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

WESTERN RESERVE BANK,)	CASE NO. 1:07CV787
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
vs.)	
)	<u>OPINION AND ORDER</u>
2910 SOUTH MORELAND,)	
A & L, LLC, et al.,)	
)	
Defendants.)	

CHRISTOPHER A. BOYKO, J.:

The above-captioned Foreclosure Complaint was filed on March 16, 2007. The jurisdictional statement in the introduction of the Complaint recites as follows: “Jurisdiction is founded on 28 U.S.C. Section 1332(a)(1). The citizenship of the parties is diverse and the amount in controversy exceeds the jurisdictional requirement.” For the reasons that follow, the Court finds that federal diversity jurisdiction is lacking; and the case is, therefore, dismissed.

LAW AND ANALYSIS

“It is axiomatic that there must be complete diversity between the parties of an action to support diversity jurisdiction. *See Smith v. Sperling*, 354 U.S. 91, 77 S.Ct. 1112, 1 L.Ed. 2d 1205 (1957).” *U.S. Fidelity and Guar. Co. v. Thomas Solvent Co.*, 955 F. 2d 1085, 1089 (6th Cir. 1992). “Diversity of citizenship, the basis for jurisdiction in the present case, exists only when no plaintiff and no defendant are citizens of the same state.” *Curry v. U.S. Bulk Transport, Inc.*, 462 F. 3d 536, 540 (6th Cir. 2006) (*quoting Jerome-Duncan, Inc. v. Auto-By-*

Tel, L.L.C., 176 F. 3d 904 at 907 (6th Cir. 1999). “The general rule is that diversity is determined at the time of the filing of a lawsuit.” *See Smith*, 354 U.S. at 93 and n.1; *Curry*, 462 F. 3d at 540.

A review of the caption in the instant case reveals there are Ohio citizens on both sides of the lawsuit — that is, Plaintiff, Western Reserve Bank, of Medina, Ohio and Defendants, Jim Rokakis, Cuyahoga County Treasurer of Cleveland, Ohio; Eric Hunter of Cleveland, Ohio; Erika L. Salary of Cleveland, Ohio; and at least six other defendants, identified as tenants, with Cleveland, Ohio addresses. Moreover, the Complaint recites at Paragraph 1: “Plaintiff has its principal place of business in Medina County, Ohio.” “Defendants are citizens of the State of Arizona and Ohio.”

CONCLUSION

Because an examination of the within Foreclosure Complaint clearly reveals that complete diversity of citizenship does not exist between the parties, the district court lacks subject-matter jurisdiction. The above-captioned case is, therefore, dismissed.

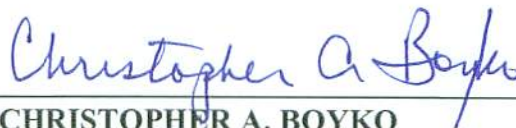
IT IS SO ORDERED.

DATE: 3/27/07

FILED

MAR 27 2007

CLERK OF COURTS
U.S. DISTRICT COURT, N.D.O.
CLEVELAND



CHRISTOPHER A. BOYKO
United States District Judge